



SHARON KELLER
PRESIDING JUDGE

BARBARA P. HERVEY
BERT RICHARDSON
KEVIN P. YEARY
DAVID NEWELL
MARY LOU KEEL
SCOTT WALKER
MICHELLE M. SLAUGHTER
JESSE F. MCCLURE, III
JUDGES

COURT OF CRIMINAL APPEALS

P.O. BOX 12308, CAPITOL STATION
AUSTIN, TEXAS 78711

DEANA WILLIAMSON
CLERK
(512) 463-1551

SIÂN SCHILHAB
GENERAL COUNSEL
(512) 463-1597

Friday, August 20, 2021

Emily Johnson-Liu
Assistant State Prosecuting Attorney
P. O. Box 13046
Austin, TX 78711
* Delivered Via E-Mail *

Thomas Abbate Jr.
Attorney at Law
2425 West Loop South
Suite 200
Houston, TX 77027
* Delivered Via E-Mail *

Re: Middleton, Brian Ray
CCA No. PD-1236-20
Trial Court Case No. CR31225

Dear Counselors:

You have requested oral argument in the above-styled case. Oral argument is scheduled for 9:00 a.m. on Wednesday, Wednesday, September 15, 2021. Each party will be allowed twenty minutes to present argument. You may refer to the enclosed document for more information.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Deana Williamson'. The signature is written in a cursive, flowing style.

Deana Williamson, Clerk

cc: District Attorney Liberty County (Delivered Via E-Mail)



ORAL ARGUMENT INSTRUCTION SHEET

Court of Criminal Appeals

To All Attorneys Arguing Before the Texas Court of Criminal Appeals

Below are suggestions and guidance concerning arguing cases at the Court of Criminal Appeals:

1. All oral arguments will be video recorded and available on the Court's website.
2. Obtain a copy of the Submission List from the Clerk's Office. This will give you some idea as to when to expect to argue.
3. If you wish to divide the time allotted for argument, make these arrangements **before** the Court takes the bench. Such arrangements may be made with the timekeeper at the bailiff's desk located at the front of the courtroom. Inform the Court of such arrangements at the outset of your argument. Allocation of time is especially important for those cases which have been consolidated for argument as the sum total of time allotted to such arguments remains at twenty (20) minutes.
4. When your case is called by the Presiding Judge, move to the appropriate counsel table, appellant on the left and the State on the right, as you face the bench. Move to the podium when presentation of your portion of the case is called by the Presiding Judge. Please remind the Court of your name and the county from which the case arose.
5. Limit the presentation of your case to the legal issues involved and do not embark on a jury argument. **Remain behind the podium at all times during the presentation of your case.**
6. There are three lights on the podium: a green light, a yellow light and a red light. In all situations, unless you give the timekeeper instructions to the contrary regarding the division of time, when there is one (1) minute remaining in the time allotted for presentation of your case, the yellow light will come on and in most instances remain on throughout the minute. When time for presentation of your case has expired, the yellow light will be extinguished and the red light will come on. Please conclude your argument before the red light comes on. Do not continue arguing once the red light is on. You may remain to answer questions propounded by the Court. Once you have finished presenting your case and/or answering questions, vacate the podium area as quickly as possible.
7. Please note that your presentation of the case is not the first exposure the Judges have had to the case. Please, in the course of presenting your case, include discussion of any new cases not cited in your brief which might have an effect on your case. In addition, please submit a supplemental list of authorities containing any citations not presented in your brief to the Clerk prior to argument.

Copies of these instructions are available upon request from the Clerk's Office, Room 106, Supreme Court Building or the Court's website at www.txcourts.gov/cca.